

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 14, 2022**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Alberto Abarca

Case Number: 0980 2:21CR00161-SAB-1

Address of Offender: [REDACTED] Spokane Valley, Washington 99206

Name of Sentencing Judicial Officer: The Honorable B. Lynn Winmill, U.S. District Judge

Name of Assigned Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: April 29, 2013

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 130 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: U.S. Attorney's Office

Date Supervision Commenced: September 25, 2020

Defense Attorney: Federal Public Defender

Date Supervision Expires: September 24, 2025

PETITIONING THE COURT

To issue a warrant.

On September 28, 2020, Mr. Abarca's conditions of supervision were reviewed by his probation officer and he signed said conditions acknowledging an understanding of his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Mandatory Condition #2:** The defendant shall not commit another federal, state, or local crime.

Supporting Evidence: The offender is alleged to have committed the offense of driving under the influence of alcohol on or about September 10, 2022.

According to Spokane County Sheriff's Office incident report number 2022-101-20052, on September 10, 2022, officers responded to a call regarding a hit and run collision located at 11624 East Montgomery Avenue, Spokane Valley, Washington. Upon arrival, a GMC Sierra was found crashed through and completely imbedded inside the office building of the above-noted address.

Shortly thereafter, the offender was located hiding in some bushes approximately 100 yards from the crash scene. Officers gave several verbal announcements instructing him to come out of the bushes, however, the commands were ignored and it appeared he was pretending to be asleep. Subsequently, he was detained and escorted to a patrol vehicle.

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Mr. Abarca claimed his truck had been stolen and he had chased it to the current location. Officers then located a lanyard with a GMC key and GMC key fob in his front left pocket. According to the responding officers, Mr. Abarca appeared to be intoxicated. A strong odor of alcohol was emanating from his person and he was stumbling and had poor balance. Further, one of the officers had to support the offender from behind so that he would not fall. They observed that his clothes were ripped and he was not wearing any shoes. Mr. Abarca also had an abrasion above his right eyebrow, which was consistent with an impact from an air bag.

Mr. Abarca immediately invoked his right to silence and refused a breath test. A sample of his blood was thereafter collected pursuant to a search warrant. As of this writing, the results are pending.

Based on the above information, Mr. Abarca was taken into custody and charged with driving under the influence and hit and run unattended property in Spokane County District Court, case number 2A0544174.

On September 12, 2022, Mr. Abarca was released on bond and his next scheduled court appearance is October 10, 2022.

2 **Mandatory Condition #2:** The defendant shall not commit another federal, state, or local crime.

Supporting Evidence: The offender is alleged to have committed the offense of hit and run unattended property on or about September 10, 2022.

As indicated in violation number 1, the offender was charged with hit and run unattended property, which occurred on or about September 10, 2022, in case number 2A0544174.

3 **Special Condition #3:** The defendant shall abstain from the use of alcohol and shall not be present in any location where alcohol is the primary item of sale.

Supporting Evidence: The offender is alleged to have consumed alcohol on or about September 10, 2022.

As previously noted, law enforcement made contact with Mr. Abarca following a report of a hit and run accident on September 10, 2022. When officers encountered Mr. Abarca, he appeared to be intoxicated. They observed that Mr. Abarca had difficulty maintaining his balance and they detected a strong odor of alcohol emanating from his person.

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The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 13, 2022

s/Lori Cross

Lori Cross
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

9/14/2022

Date